Appl. No. 10/521,848
Declaration of Fons Bruekers

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.   : 10/521,848

Applicant(s) : Minne Van Der Veen et al.

Filed   : January 21, 2005

Conf. No.   : 6183

A.U.   : 2435

Examiner   : Schwartz, Darren B.

Atty. Docket : NL 020670

Title   : Identification of Digital Data Sequences

Declaration of Fons Bruekers under 37 C.F.R. § 1.132

I, Fons Bruekers, declare and state the following:

I am a co-inventor of the U.S. patent application serial number 10/521,848 filed on January 21, 2005, entitled "Identification of Digital Data Sequences."

I am Scientist at Philips Research. I have been working in the field of Electrical Engineering since 1981. Therefore, I consider myself a person of ordinary skill in the art.

With reference to the instant application, I understand that the US Patent Office has taken the position that it would require undue experimentation for an ordinarily skilled person in the art to determine a mathematical distance measure. In response, I respectfully disagree.

I have carried out the processes disclosed in pages 5 – 6 of the instant application, including a mathematical distance measure. As a person of ordinary skill in the art, I clearly understand what is meant by a mathematical distance measure. I can easily select or define an applicable mathematical distance measure function, because of the following reasons.
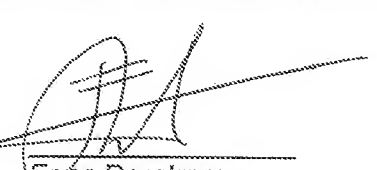
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In the text of the patent application it is mentioned that the fingerprint is a bit sequence. A straightforward distance measure for bit sequences is the counting of the number of bits that are different in both sequences. Alternatively this may be called the Hamming distance or the L1-norm.

Furthermore, as already put forward as evidence in the present application ("Distance: From Wikipedia, the free encyclopedia," as indexed by www.archive.org, October 12, 2007, hereinafter referred to as the "Archive"), there are well-known and well-defined mathematical distance measures in the art. As a person of ordinary skill in the art, I can select an applicable mathematical distance measure from those outlined by the Archive. Therefore, the Archive shows that it does not require undue experimentation, because the Archive contains mathematical distance measures that are readily available for a skilled person to use.

In view of the foregoing analysis, a person skilled in the art would be able to practice the claimed invention based on the specification of the present application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed by: _____   Date: 20110125
Fons Bruekers
Scientist
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